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10/543,026	07/21/2005	Emmanuel Legrand	047578/294907	9198
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ALSTON & BIRD LLP			ALIE, GHASSEM	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/543,026

Applicant(s)

LEGRAND, EMMANUEL

Examiner

Ghassem Alie

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07/21/05.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 07/21/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

*Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the motor set forth in claim 13 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "1100" in page 6, line 13.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Specification*

3. The disclosure is objected to because of the following informalities: specification does not include section headings. Appropriate correction is required.

4. The disclosure is objected to because of the following informalities:

In page 2, lines 10-16; "documents US-A-4 043 037, -----." is not understood.

In page 6, line 13; "This part 110" should be --The part 110--. It should be noted that in the entire specification "This ..." should be --The ...--. For example, in page 10, line 6; "This part 110c" should also be --The part 110c--.

In page 7, line 7; "in particular when, when" should be in particular, when--.

In page 11, line 25; "three strands" should be --four strands--.

In page 11, line 31; "in the light of" should be --in light of--.

In page 14, line 3; "its outlet opening 115" should be --its inlet opening 115--.

Appropriate correction is required.

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6. The abstract of the disclosure is objected to because "the string extending between s string outlet region" should be --the string extending between a string outlet region--.
7. The abstract of the disclosure is objected to because contains legal phraseology often used in patent claims such as "comprises." Correction is required. See MPEP § 608.01(b).
8. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

#### ***Claim Objections***

9. Claims 1, 6, and 8 are objected to because of the following informalities: in claim 1, line 6, "in this recess" should be --in the recess--.
- In claim 6, lines 2-3; "a polygonal cross-section, with a ridge situated at the level of its trailing edge" should be --a polygonal cross-section, said string has a ridge situated at the level of a trailing edge of the string--.
- In claim 8, line 2; "its leading edge" should be --a leading edge of the string--.
- In claim 10, lines 3-4; "and in that this secondary fillet" should be --and the secondary fillet--.
- In claim 11, lines 2-3; "and in that the recessed profiles of the two fillets are identical" should be --and the recessed profiles of the two fillets are identical--.

#### ***Claim Rejections - 35 USC § 112***

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, "a brush cutter, edge trimmer or similar, of the type" renders the scope of the claim indefinite. It is not clear what is considered to be a similar device as "a brush cutter" or "edge trimmer." This is also applicable to claims 13.

Regarding claim 12, "the two parts" lacks antecedent basis.

Regarding claim 13, "the two parts (110a, 110b) assembled to form together the string passageway (112) and the fillet (120) or the fillets (120, 122) meet" is CONFUSING. It is not clear whether the parts form the string passage way and the fillet or only the string passageway.

***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-5 and 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Rouse (4,756,146). Regarding claim 1, as best understood, Rouse teaches a cutting head 10 including a passageway 14 for a cutting string 2 and at least one fillet 15 to support the string extending between a string outlet region 34 of the passageway and the a peripheral region of the head. It should be noted that the passageway 14 is considered to be the passageway for a cutting string and passageway 15 is considered to be a fillet which has a recess. Rouse also teaches that the surface of the fillet presents a recessed profile 46 which is substantially

complementary to a part of cross-section of the cutting string 2, in order to guide the cutting string in the recess when the string flexes in a direction opposite to the rotation of the head to rest against the fillet.

Regarding claim 2, Rouse teaches everything noted above including that the recess 46 formed in the fillet joins the string passageway in a substantially continuously manner.

Regarding claim 3, Rouse teaches everything noted above including that the fillet is situated on a widening of the string passageway in the vicinity of a string outlet. It should be noted that the fillet 15 is located or situated also in the widening region of the passageway 14. See Fig. 4 in Rouse.

Regarding claim 4, Rouse teaches everything noted above including that the profile of the surface of the fillet is constant.

Regarding claim 5, Rouse teaches everything noted above including that the string passageway 14 is disposed so as to maintain the cutting string in a given orientation.

Regarding claim 9, Rouse teaches everything noted above including that the fillet 15 joins the peripheral region of the head substantially tangentially.

Regarding claim 10, Rouse teaches everything noted above including a secondary fillet 14 (next to the first fillet and passageway) is provided on the side of the string passageway opposite the fillet with recesses profile, and the secondary fillet also presents a recessed profile. It should be noted that the secondary fillet is located opposite the first fillet and has a recessed profile.

Regarding claim 11, Rouse teaches everything noted above including that the cutting string has a cross-section which is symmetrical in relation to an axial mid-plane, and the recessed profiles of the two profiles are identical.

Regarding claim 12, as best understood, Rouse teaches everything noted above including that the recess 46 of the fillet in the region where the two parts assemble to form together the string passageway 14 and the fillet 15.

Regarding claim 13, as best understood, Rouse teaches everything noted above including a motor which drives the cutting head. It should be noted that the cutting head inherently is driven by a motor of a cutting device.

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rouse in view of Jones et al. (5,048,278), hereinafter Jones. Regarding claim 6-7, Rouse teaches everything noted above except that the string has polygonal cross-section with a ridge situated at the level of its trailing edge. However, the use of a string having a polygonal cross-section disposed in a recess complementary to the shape of the string is well known in the art such as taught by Jones. Jones teaches a string 10 has a polygonal cross-section with a ridge situated at the level of its trailing edge. Jones also teaches that the complementary recess has a V shape. It would have been obvious to a person of ordinary skill in the art to

provide Rouse' cutting head with the string and the recess, as taught by Jones, in order accommodate a polygonal shaped string in the cutting head.

*Conclusion*

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mackey (5,398,416), Gullett (4,685,279), MGrew (4,726,176), Dees, Jr. et al. (5,836,277), and Price, III (6,912,789) teach a cutting head for trimming plants.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink that reads "Ghassem Alie". The signature is written in a cursive style with a large, stylized 'G' and 'A'.

Ghassem Alie  
Patent Examiner  
Art Unit 3724

GA

November 29, 2007